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Attorneys for Defendants
MavorCo Holdings, LLC; MavorCo IP,
LLC; and MavorCo Operations, LLC

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

BLENDTEC INC., a Utah Corporation

Plaintiff,

v.

**BLENDJET INC., a Delaware corporation,
MAVORCO HOLDINGS, LLC, a
Delaware limited liability company,
MAVORCO IP, LLC, a Delaware limited
liability company, and MAVORCO
OPERATIONS, LLC, Delaware limited
liability company,**

Defendants.

**MAVORCO’S ANSWER TO
PLAINTIFF’S COMPLAINT FOR
TRADEMARK INFRINGEMENT AND
SUCCESSOR LIABILITY**

Civil No. 2:25-cv-00096-RJS-DBP

Judge Robert J. Shelby

Magistrate Judge Dustin B. Pead

Defendants MavorCo Holding, LLC, MavorCo IP, LLC, and MavorCo Operations, LLC (collectively “MavorCo”) hereby answers Plaintiff Blendtec Inc.’s (“Plaintiff” or “Blendtec”) Original Complaint for Trademark and Successor Liability (“Complaint”), and states the following in correspondingly-numbered paragraphs to Plaintiff’s Complaint:¹

¹ Defendants file this Answer solely as to the claims not addressed in their concurrently filed Motion to Dismiss. Defendants do not respond herein to the allegations underlying Counts V and VI, which are the subject of that motion, and reserve all rights to respond to those claims if the motion is denied.

NATURE OF ACTION²

MavorCo admits that Blendtec purports to bring an action for trademark infringement and unfair competition. MavorCo denies any and all liability under these claims and otherwise denies the remaining allegations set forth in the Nature of the Action.

THE PARTIES

1. MavorCo is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1 and therefore denies them.

2. MavorCo denies that BlendJet has manufactured and sold consumer blending machines on behalf of MavorCo. MavorCo is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 2 and therefore denies them.

3. Admitted.

4. Admitted.

5. Admitted.

6. MavorCo Operations LLC executed a Foreclosure Agreement dated January 13, 2025, through which it acquired many of BlendJet's assets. MavorCo denies the remaining allegations in paragraph 6.

JURISDICTION AND VENUE

7. Paragraph 7 contains no allegations against MavorCo and, instead, calls for a legal conclusion to which no response is required under the Federal Rules of Civil Procedure. To the extent a response is required, MavorCo admits that Blendtec asserts claims under the trademark

² The headings used herein are taken from the Complaint and used by MavorCo solely for convenience. These headings do not constitute an admission or concession by MavorCo of any alleged facts or legal conclusions stated therein.

laws of the United States, 15 U.S.C. § 1051 *et seq.* MavorCo is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 7 and therefore denies them.

8. Paragraph 8 contains no allegations against MavorCo and, instead, calls for a legal conclusion to which no response is required under the Federal Rules of Civil Procedure. To the extent a response is required, MavorCo is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 8 and therefore denies them.

9. Paragraph 9 contains no allegations against MavorCo and, instead, calls for a legal conclusion to which no response is required under the Federal Rules of Civil Procedure. To the extent not expressly admitted, MavorCo denies the remaining allegations of Paragraph 9.

10. Paragraph 10 contains no allegations against MavorCo and, instead, calls for a legal conclusion to which no response is required under the Federal Rules of Civil Procedure. To the extent not expressly admitted, MavorCo denies the remaining allegations of Paragraph 10.

GENERAL ALLEGATIONS

Blendtec's Products and [Alleged] Trademark Rights

11. MavorCo is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 11 and therefore denies them.

12. MavorCo is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 12 and therefore denies them.

13. MavorCo is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 13 and therefore denies them.

14. MavorCo admits that a U.S. Trademark Application with the Serial Number 75-801,328 was filed with the United States Patent and Trademark Office to register the word mark “BLENDTEC” in connection with blenders, and that U.S. Trademark Application speaks for itself. MavorCo is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 14 and therefore denies them.

15. Paragraph 15 contains no allegations against MavorCo and, instead, calls for a legal conclusion to which no response is required under the Federal Rules of Civil Procedure. To the extent a response is required, MavorCo is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 15 and therefore denies them.

16. MavorCo admits that a U.S. Trademark Registration with the Registration Number 2,431,060 exists on the principal register for the word mark “BLENDTEC” in connection with blenders, and that U.S. Trademark Registration speaks for itself. MavorCo is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 16 and therefore denies them.

17. MavorCo admits that a U.S. Trademark Application with the Serial Number 85-203,654 was filed with the United States Patent and Trademark Office to register a swirl design in connection with blenders, and that U.S. Trademark Application speaks for itself. MavorCo is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 17 and therefore denies them.

18. Paragraph 18 contains no allegations against MavorCo and, instead, calls for a legal conclusion to which no response is required under the Federal Rules of Civil Procedure. To the

extent a response is required, MavorCo is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 18 and therefore denies them.

19. MavorCo admits that a U.S. Trademark Registration with the Registration Number 4,050,765 exists on the principal register for a swirl design in connection with blenders, and that U.S. Trademark Registration speaks for itself. MavorCo is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 19 and therefore denies them.

20. MavorCo is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 20 and therefore denies them.

21. MavorCo is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 21 and therefore denies them.

22. MavorCo is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 22 and therefore denies them.

23. MavorCo is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 23 and therefore denies them.

24. MavorCo is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 24 and therefore denies them.

25. MavorCo is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 25 and therefore denies them.

26. MavorCo is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 26 and therefore denies them.

27. MavorCo is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 27 and therefore denies them.

28. MavorCo is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 28 and therefore denies them.

**BlendJet [Allegedly] Begins Using BLENDJET
and a Swirl Design in Connection with Blenders**

29. MavorCo is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 29 and therefore denies them.

30. MavorCo admits that a U.S. Trademark Application with the Serial Number 88-125,709 was filed with the United States Patent and Trademark Office to register the word mark “BLENDJET,” and that U.S. Trademark Application speaks for itself.

31. MavorCo admits that a U.S. Trademark Registration with the Registration Number 5,750,510 exists on the principal register the word mark “BLENDJET,” and that U.S. Trademark Registration speaks for itself.

32. MavorCo admits that a U.S. Trademark Application with the Serial Number 88-480,647 was filed with the United States Patent and Trademark Office for a swirl design, and that U.S. Trademark Application speaks for itself.

33. MavorCo admits that a U.S. Trademark Registration with the Registration Number 5,950,040 exists on the principal register for a swirl design, and that U.S. Trademark Registration speaks for itself. MavorCo specifically denies any alleged infringement. MavorCo denies the remaining allegations in paragraph 33.

34. MavorCo is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 34 and therefore denies them.

35. MavorCo is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 35 and therefore denies them.

36. MavorCo is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 36 and therefore denies them.

37. MavorCo is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 37 and therefore denies them.

38. MavorCo is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 38 and therefore denies them.

39. MavorCo is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 38 and therefore denies them.

**MavorCo Purchases BlendJet's Assets and Begins Selling
Portable Blenders Under the BlendJet and Swirls Design Marks**

40. Denied.

41. Admitted.

42. Denied.

43. Denied.

44. Denied

45. Denied.

46. Denied.

47. Denied.

48. MavorCo is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 48 and therefore denies them.

[Allegedly,] The Use by MavorCo and BlendJet of Marks that are Substantially Similar to Blendtec's Mark Have Caused and Will Continue to Cause Confusion in the Marketplace

49. Denied.

50. Denied.

51. Denied.

52. Denied.

53. MavorCo denies that it advertises heavily online. MavorCo is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 53 and therefore denies them.

54. MavorCo is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 54 and therefore denies them.

55. MavorCo is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 55 and therefore denies them.

56. MavorCo is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 56 and therefore denies them.

57. MavorCo is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 57 and therefore denies them.

58. Denied.

59. MavorCo is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 59 and therefore denies them.

60. Denied.

61. Denied.

FIRST CLAIM FOR RELIEF
(Trademark Infringement Under § 32
of the Lanham Act Against MavorCo and BlendJet)

62. MavorCo incorporates and realleges its responses to the foregoing allegations in the Complaint by reference.

63. MavorCo admits that Blendtec is listed as the owner of the '060 Registration. MavorCo is otherwise without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 63 and therefore denies them.

64. MavorCo admits that Blendtec is listed as the owner of the '765 Registration. MavorCo is otherwise without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 64 and therefore denies them.

65. MavorCo is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 65 and therefore denies them.

66. Denied.

67. Denied.

68. Denied.

69. Denied.

70. Denied.

71. Denied.

72. Denied.

73. Denied.

74. Denied.

75. Denied.

SECOND CLAIM FOR RELIEF
**(Unfair Competition and False Designation of Origin
Under § 43 of the Lanham Act Against MavorCo and BlendJet)**

76. MavorCo incorporates and realleges its responses to the foregoing allegations in the Complaint by reference.

77. MavorCo is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 77 and therefore denies them.

78. Denied.

79. Denied.

80. Denied.

81. Denied.

82. Denied.

83. Denied.

84. Denied.

85. Denied.

86. Denied.

THIRD CLAIM FOR RELIEF
**(Violation of Utah Deceptive Trade Practice Act,
Utah Code Ann. 13-11a-3, Against MavorCo and BlendJet)**

87. MavorCo incorporates and realleges its responses to the foregoing allegations in the Complaint by reference.

88. MavorCo admits that Blendtec is listed as the owner of the '060 and '765 Registrations. MavorCo denies the remaining allegations in paragraph 88.

89. Denied.

90. Denied.

91. Denied.

92. Denied.

93. Denied.

94. Denied.

95. Denied.

96. Denied.

97. Denied.

98. Denied.

99. Denied.

100. Denied.

FOURTH CLAIM FOR RELIEF

(Utah Unfair Competition Act, Utah Code Ann. § 13-5a-101)

101. MavorCo incorporates and realleges its responses to the foregoing allegations in the Complaint by reference.

102. Denied.

103. Denied.

104. Denied.

PRAYER FOR RELIEF

MavorCo admits that Blendtec prays for certain relief by its Complaint but denies that it is entitled to any relief whatsoever by way of its Complaint.

JURY DEMAND

MavorCo admits that Blendtec demands a jury trial. MavorCo also demands a jury trial. Answering further, MavorCo expressly denies that it engaged in any unlawful conduct or that it has any liability to Blendtec.

GENERAL DENIAL

To the extent not expressly admitted, explained, qualified, or denied, MavorCo denies the remaining allegations contained in the Complaint.

DEFENSES

Subject to and without waiving the foregoing and without waiving the burden of proof Blendtec would ordinarily be required to carry on any element of any claim asserted by him, and in the alternative where necessary, MavorCo states the following:

FIRST DEFENSE

Blendtec has failed to state a claim upon which relief can be granted.

SECOND DEFENSE

Blendtec's claims are barred by the doctrine of laches because, among other things, Blendtec has unreasonably delayed in bringing claims of trademark infringement, despite having knowledge of the long-term use of the allegedly infringing marks.

THIRD DEFENSE

Blendtec is estopped from asserting its claims because, among other things, Blendtec's conduct, representations, and/or silence regarding the use of the allegedly infringing marks have induced MavorCo to rely on the belief that the Blendtec would not enforce its trademark rights.

MavorCo has relied on this belief to its detriment, and Blendtec is now estopped from asserting its claims.

FOURTH DEFENSE

Blendtec's claims are barred by the doctrine of acquiescence because, among other things, Blendtec, by its conduct, has implicitly or explicitly consented to the MavorCo's use of the mark. Blendtec's actions and/or inactions have led the MavorCo to reasonably believe that the Blendtec would not assert its rights against use of the allegedly infringing marks, thereby barring Blendtec from now claiming infringement.

FIFTH DEFENSE

Blendtec has waived its right to assert the claims in the Complaint.

SIXTH DEFENSE

Blendtec's claims are barred by the doctrine of unclean hands.

SEVENTH DEFENSE

Blendtec cannot demonstrate irreparable harm because, among other things, Blendtec has unreasonably delayed in bringing claims of trademark infringement, indicating no urgency, immediate threat, or harm that justifies urgent relief.

EIGHTH DEFENSE

Blendtec's delay has prejudiced the MavorCo's ability to respond to claims of immediate harm, as the circumstances have significantly changed over time. In addition, due to Blendtec's extended delay, any alleged harm is no longer immediate or relevant.

NINTH DEFENSE

The claims fail because Blendtec does not own enforceable trademark rights in the mark BLENDTEC in connection with blenders. BLENDTEC is generic.

TENTH DEFENSE

The claims are barred in whole or in part because Blendtec has suffered no provable damages in this case.

ELEVENTH DEFENSE

To the extent Blendtec has suffered any damages, which MavorCo denies, it has failed to mitigate its damages.

TWELFTH DEFENSE

MavorCo acted in good faith and without any intent to infringe, which limits Blendtec's ability to recover enhanced damages or disgorgement of profits.

THIRTEENTH DEFENSE

Blendtec's claims are barred and/or limited because Blendtec is using its marks to violate the antitrust laws of the United States. *See* 15 U.S.C. § 1115(b)(7). In 2021, Blendtec brought an almost identical lawsuit against BlendJet, *Blendtec Inc., v. BlendJet Inc.*, Cause No. 2:21-cv-00668, in the United States District Court for the District of Utah, in an attempt to extort an acquisition of BlendJet at a significantly undervalued price. This current case is a second attempt by Blendtec to use bad faith pressure tactics by filing what is fundamentally an anticompetitive lawsuit to force the acquisition of MavorCo's assets at a reduced rate, in violation of the antitrust laws of the United States.

FOURTEENTH DEFENSE

MavorCo asserts the defense of descriptive fair use. The use of the word "blend" to describe a blender is a descriptive fair use.

FIFTEENTH DEFENSE

MavorCo asserts the defense of functionality. Use of a swirl design on a blender serves the functional purpose of identifying the button that causes the blender to blend and further identifies the function of the blender to the consuming public.

SIXTEENTH DEFENSE

In the alternative, MavorCo asserts the defense of priority with respect to portable blenders.

SEVENTEENTH DEFENSE

MavorCo asserts that due to widespread third-party use of blend-formative trademarks and swirl designs, BLENDTEC and its asserted swirl design are so weak as to be unprotectable. Examples of coexisting “blend” registered trademarks and pending applications include the following:

Serial Number	Registration Number	Wordmark	Goods And Services Truncated
86190138	4832643	MAGNABLEND	IC 007: Beverage processing machines.; IC 011: Frozen beverage equipment, namely, beverage-cooling apparatus; frozen beverage dispensing machines; frozen beverage dispensing equipment, namely, beverage chilling units; refrigerated beverage dispensing units; parts and structural components thereof for the aforementioned goods.

Serial Number	Registration Number	Wordmark	Goods And Services Truncated
77333108	3471153	BLENZER	IC 007: beverage making machines for mixing non-alcoholic and alcoholic beverages; industrial machines for food and beverage processing; mixing machines for making beverages; combination rinsing, cleaning and sterilizing machines with on-board clean in place capability for use in the food and beverage processing industry.
88921388	6226288	POLAR BLEND	IC 007: Portable and non-portable electric food blenders; electric mixers.
97027302	7134171	NUTRIBLEND	IC 007: Interchangeable blades sold as a component of electric kitchen mixers.
97676365	7349097	BLENDQUIK	IC 007: Kitchen appliances, namely, electric portable blenders for household purposes.; IC 035: Online retail store services featuring kitchen appliances.
90481629	6580957	CLEANBLEND	IC 007: Electric food blenders.
97864624	7378348	B BLENDNOW	IC 007: Electric food blenders; Electric food choppers; Electric food grinders.
90201087	6371512	XBLENDZ	IC 007: Electric food blenders; Electric food processors; Hand-held electric-powered food processors.

Serial Number	Registration Number	Wordmark	Goods And Services Truncated
90366339	6662919	ECOBLEND	IC 007: professional electric food and beverage mixers and blenders with storage and refrigeration capabilities.
90463194	6561179	BLENDERMASTER	IC 007: Dishwashers; Agitators for circulating liquid media; Centrifugal mills; Coffee grinders, other than hand-operated; Crushers for kitchen use, electric; Electric juice extractors; Electric whisks for household purposes; Electric egg beaters; Electric food blenders; Fruit presses, electric, for household purposes; Grinding tools for grinding machines; Kitchen grinders, electric; Kitchen machines, namely, electric standing mixers; Mixing machines; Electric mixers.
90605795	6663962	BLENDBLACK	IC 007: Electric food blenders.
75851066	2646348	MASS/BLEND	IC 007: Machines used to blend liquids; and packaging machines used to blend liquids and fill containers.
98137477		BLENDING JUST GOT SMARTER	IC 007: Juice machines; Electric blenders for household purposes; Electric juice extractors; Electric juicers; Electric food blenders; Electric food blenders for household purposes.
86249009	5418494	BABY BLENDY	IC 007: Electric food blenders.

Serial Number	Registration Number	Wordmark	Goods And Services Truncated
86853819	5149086	BLENDERMATE	IC 007: Household utensil, namely, a basket accessory for electric food blenders.
87329939	5318787	SMART BLEND	IC 007: Electric food blenders.
87840486	6608661	BLENDID	IC 007: Automated food and beverage preparation machine consisting of software-controlled food and beverage dispensing, mixing, preparation, and delivery apparatus; Software-controlled food and beverage preparation and delivery machines; Automatic and autonomous food and beverage preparation machine consisting of dispensing, mixing, preparation, delivery, calibration, self-diagnosis, and self-repair units used in the preparation and delivery of food and beverage; Software-controlled robotic machine for food and beverage preparation and delivery; robotic food preparation machines which comprise machine tools for preparing and delivering food
87862220	5791645	FLO-BLEND	IC 007: beverage meter-based carbon control mixing apparatus, namely, machine for mixing syrups, carbon dioxide, and water in the preparation of beverages.

Serial Number	Registration Number	Wordmark	Goods And Services Truncated
99061793		BLEND BLASTER	IC 007: Electric food blenders; Electric food blenders for household purposes.
97937472	7401373	BLENDTIDE	IC 007: Crushers for kitchen use, electric; Electric food blenders; Electric food processors; Electric juice extractors; Electric lawnmowers; Electric mixers for household purposes; Electric vacuum cleaners; Electric vacuum food sealers for household purposes; Electrical coffee grinders; Kitchen machines, namely, electric standing mixers.
98929214		PARTY BLENDER	IC 007: Electric blenders for household purposes; Electric food blenders.
88760066	6117872	BLEND SIP CHILL	IC 007: machines for blending milkshakes, smoothies and other frozen or chilled drinks; machines, namely, electric food blenders and electric ice crushers for production of milkshakes, smoothies and other drinks.

Serial Number	Registration Number	Wordmark	Goods And Services Truncated
88978287	6126527	POLAR BLEND	IC 007: Portable and non-portable electric food blenders; electric mixers.
97632834	7324262	SPRAY BLENDER	IC 007: Kits being comprised of an electric plant matter blender and a plastic spray nozzle, to create custom spray-on applications, including but not limited to food preparation, bug repellent, and plant fertilizer; Electric plant matter blenders for household purposes.
97582014	7409724	CONTIBLEND	IC 007: Beverage preparation machines, electromechanical.
90332773	6419525	BLENI BLENDS	IC 007: Vending machines for dispensing blended non-alcoholic drinks.; IC 032: blended fruit-based non-alcoholic drinks.
77046021	3576702	WILLITBLEND?	IC 007: mixers and electric food blenders.
98768029	7662810	FLIP N - BLENDER -	IC 007: Electric food blenders.
75604867	2414553	TURBOBLEND	IC 007: electric food processors for domestic use.
75238761	2168570	BLENDING STATION	IC 007: electric food processors with integral sound reduction chamber for commercial and/or domestic use.
98299866		BLENSET	IC 007: Electric blenders for household purposes.

Serial Number	Registration Number	Wordmark	Goods And Services Truncated
99056645		BLENTIX	IC 007: Electric food grinders; Electric juice extractors; Electric milk frothers; Electric mixers for household purposes; Electric vacuum food sealers for household purposes; Electrical squeezers for fruits and vegetables; Juice machines; Meat and food grinder attachments for electric mixers for household use; Electric food blenders for household purposes; Electric coffee grinders.
86498473	4852639	FRESH BLENDS	IC 007: Beverage vending machines.
86781801	5046903	THE FRESH BLENDER	IC 007: Beverage vending machines.
88685416	6074514	BLENDERX	IC 007: Electric food blenders.
88645113	6441867	HYDRATION BLEND	IC 007: Electric food processors; electric food blenders.
86870853	5026355	BLENDPLUS	IC 007: [Beverage preparation machines, electromechanical;] Fruit presses, electric, for household purposes; [Kitchen machines, namely, electric standing mixers;] Mixing machines
97178472	6977743	EASY BLEND	IC 007: Consumer electronics, namely, electric blenders for household purposes; portable electric food blenders, handheld electric food blenders, kitchen appliances, namely, electrically-powered kitchen appliance for dicing, mincing, slicing and chopping food.

Serial Number	Registration Number	Wordmark	Goods And Services Truncated
97393009	7264809	BLENDERCAP	IC 007: portable electric blenders for food and beverages.
98032506		BLENDER PITCHER	IC 007: Electric food blenders; Electric food blenders for household purposes; Electric fruit squeezers for household purposes; Electric hand-held mixers for household purposes; Electric infant formula mixers for household use; Electric juice extractors; Electric juicers; Electric kitchen mixers; Electric mixers for household purposes; Electrical juice extractors for fruit; Electrical squeezers for fruits and vegetables; Juice extractors, electric; Juice machines; Kitchen machines, namely, electric standing mixers; Meat and food grinder attachments for electric mixers for household use.
97088730	7178920	BLENDERCOZY	IC 007: Kitchen appliance covers, namely, a covering for electric food blenders for sound reduction purposes.
75011152	2006174	ASTRO BLENDER	IC 007: electric blenders used for ice cream and other food products for commercial use.
88083945	6234269	THE BLEND FRIEND	IC 007: Electric food blender accessory comprised of a hard outer shell cup, with lid, designed to accept a disposable cup, for attachment to electric food blenders.

Serial Number	Registration Number	Wordmark	Goods And Services Truncated
98038476	7509739	SPLENDOR BLENDER	IC 007: electric mixers for household purposes; electric kitchen mixers; electric blenders for household purposes; electric food blenders; electric food processors; electric blenders and mixers for making beverages, smoothies; electrically-powered kitchen appliance for dicing, mincing, slicing and chopping food.
97096832	6994837	BLEND GENIX	IC 007: Electric food blenders.
98516718		FLIP N - BLENDER -	IC 007: Electric food blenders.
77082847	3338347	TOTAL BLENDER	IC 007: MIXERS AND ELECTRIC FOOD BLENDERS.
90574884	6689888	BLENDAR	IC 007: Electric food blenders; Electric food blenders.
75801328	2431060	BLENDTEC	IC 007: BLENDERS FOR USE IN THE FIELD OF FOOD AND DRINK PREPARATION.
87204266	5348785	BLENDIN	IC 007: Replacement parts for blenders, food processors, and coffee grinders, namely, blades, jars, gaskets, nuts, couplings, gears, clutches, filter holders, water filters.










Serial Number	Registration Number	Wordmark	Goods And Services Truncated
85132124	4081003	MY BLEND	IC 007: Electric food preparation appliances, namely, blenders and food processors.
86289321	5200245	BLENDER DUO	IC 007: ELECTRIC KITCHEN APPLIANCES FOR HOUSEHOLD USE, namely, ELECTRIC FOOD BLENDERS, ELECTRIC FOOD CHOPPERS AND ELECTRIC FOOD PROCESSORS, ELECTRIC MIXERS, ELECTRIC FOOD [AND MEAT] GRINDERS, [ELECTRIC COFFEE GRINDERS,] ELECTRIC JUICERS, ELECTRIC JUICE EXTRACTORS, ELECTRIC FRUIT PRESSES, [ELECTRIC FRUIT PEELERS, ELECTRIC FOOD SLICERS,] ELECTRIC EGG BEATERS, ELECTRIC WHISKS [, ELECTRIC GRATERS, ELECTRIC VEGETABLE PEELERS, ELECTRIC PASTA MAKERS].
86567013	4844862	PRO-BLEND	IC 007: Mixing machine for liquids used in the field of beer production.
86776012	4986970	SIFT-N-BLEND	IC 007: Power operated machines used for blending and screening of pharmaceutical powders.






Serial Number	Registration Number	Wordmark	Goods And Services Truncated
78287352	2869717	BLEND-N-GO	IC 007: Electric food blenders featuring a portable blending feature that also can function as a cup.
99029503		BLENDSENSE	IC 007: Electric blenders for household purposes.
97558791		BLENDJET	IC 007: beverage preparation machines, electromechanical; apparatus for aerating beverages; machines for adding carbonation and flavoring to beverages; machines for the production of soda water and sparkling beverages.
98577920		BLENDCRAFT	IC 007: Electric food blenders; Electric food processors; Electric hand-held mixers for household purposes; Electric vacuum cleaners and their components.
88295231	5783996	THE ORIGINAL PORTABLE BLENDER	IC 007: Electric food processors; Electric mixers; Electric mixers for household purposes; Electric hand-held mixers for household purposes; Food processors, electric; Hand-held electric-powered food processors.



Serial Number	Registration Number	Wordmark	Goods And Services Truncated
88125709	5750510	BLENDJET	IC 007: Electric food processors; Food processors, electric; Electric mixers; Electric food blenders; Electric hand-held mixers for household purposes; Hand-held electric-powered food processors.
97177485		BLENDZALL	IC 007: Hand blenders, namely, electric food blenders; apparatus for blending, namely, electric food blenders; electrical hand-held stick food blender; Electric food blenders; blender apparatus, namely, electric food blenders.
76584752	2947491	BULLET BLENDER	IC 007: Electronic kitchen appliances, namely, food processors.
87914142	5928954	AIRLESS BLENDING	IC 007: Electric food blenders.
88748845	6112680	MOST CONVENIENT BLENDER	IC 007: Electric food processors; Electric mixers; Electric mixers for household purposes; Electric hand-held mixers for household purposes; Food processors, electric; Hand-held electric-powered food processors.

Serial Number	Registration Number	Wordmark	Goods And Services Truncated
88923985	6220824	NEXT-GEN BLENDER	IC 007: Electric food blenders; Electric food processors; Electric hand-held mixers for household purposes; Electric mixers; Electric mixers for household purposes; Food processors, electric; Hand-held electric-powered food processors.
88571233	6002087	MULTIBLEND	IC 007: Electric food blenders.
98410443	7701797	VITAMIN BLENDER	IC 007: Electric blenders for household purposes; Electric food blenders; Electric food blenders for household purposes.
98775812		BLENDMAX	IC 007: Electric can openers; Electric food grinders; Electric fruit squeezers for household purposes; Electric mixers for household purposes; Electric whisks for household purposes; Electrically-powered kitchen appliance for dicing, mincing, slicing and chopping food; Meat processing machines.

Examples of coexisting “swirl” designs include the following:

Serial Number	Registration Number	Design Mark	Goods And Services Truncated
88771560	6749656		IC 007: Beverage preparation machines, electromechanical; Beverage processing machines.
88978287	6126527		IC 007: Portable and non-portable electric food blenders; electric mixers.
88875327	6189207		IC 007: Electric food processors; Electric juicers; Electric food blenders; Electric food choppers.
77830103	3901615		IC 007: Electric blenders and food processors and structural parts therefor, and machines for shaving and dispensing ice to the pitcher of a blender which thereafter makes drinks and structural parts therefor.; IC 016: Recipe books.
88182139	6420367		IC 007: Electric mixers.
87707476	5620499		IC 007: Kitchen machines, namely, electric standing mixers.
87047275	5179678		IC 007: Food waste disposers.
88921388	6226288		IC 007: Portable and non-portable electric food blenders; electric mixers.
73627214	1442763		IC 007: FOOD WASTE DISPOSERS.

Serial Number	Registration Number	Design Mark	Goods And Services Truncated
85849829	4406665		IC 007: Electric Food Processors.
97687751	7254164		IC 007: Mixing machines; Pasta making machines, electric.
87933656	5923915		IC 007: Kitchen machines, namely, electric standing mixers.
79368392	7416500		IC 007: Electric food processors; electric apparatus and machines for the kitchen, namely, grinders, mixers, crushers; electric apparatus for mixing meals, namely, grinders, mixers, crushers; electric fruit presses for household use; electromechanical food preparation machines, namely, tumblers for marinating food; infant formula mixers, namely, electric apparatus for mixing water with infant formula.; IC 008: Cutlery, namely, forks and spoons; ergonomic cutlery for children, namely, forks, spoons; scissors; nail clippers.; IC 012: Booster seats for children for use in vehicles; baby strollers; strollers; stroller components, namely, canopies, covers, hoods; stroller connectors to affix umbrellas to strollers; safety seats and safety Moses baskets for children and babies for use in vehicles; child seats for attachment to cycles or mopeds; anti-dazzle screens adapted for automobile windows; parasols and umbrellas to be affixed to a stroller; storage adapted for car seat backs; foot...
97521276	7156070		IC 007: Electric coffee grinders; Electric egg beaters; Electric food blenders for household purposes; Electric fruit presses for household use; Electric fruit squeezers for household purposes; Electric hand-held

Serial Number	Registration Number	Design Mark	Goods And Services Truncated
			mixers for household purposes; Electric juice extractors; Electrically-powered kitchen appliance for dicing, mincing, slicing and chopping food; Meat and food grinder attachments for electric mixers for household use; Power-operated meat grinders.
88183951	5842947		IC 007: Liquid processing machines for industrial use, namely, osmosis units for filtering a wide variety of liquids in the oil and gas, food and beverage, manufacturing and municipal water industries; filters being parts of liquid processing machines for industrial use comprised of semipermeable membranes for liquid osmosis encapsulated in metal hardware.
97855480			IC 007: distributing machines, namely, crushers, impact mills, breakers, pulverizers, mixers and blenders and parts therefor, for industrial and commercial applications.; IC 040: custom manufacturing of machines, namely, crushers, impact mills, breakers, pulverizers, mixers and blenders and parts therefor, for industrial and commercial applications.; IC 035: distributorship services in the field of distributing machines, namely, crushers, impact mills, breakers, pulverizers, mixers and blenders and parts therefor, for industrial and commercial applications.

EIGHTEENTH DEFENSE

MavorCo owns federal trademark registrations for the challenged name BLENDJET and the challenged swirl design. MavorCo's federal trademark registrations grant it the exclusive rights to use these challenged trademarks in commerce with the registered goods. Blendtec does not seek cancellation of these registrations. These registrations are *prima facie* evidence of MavorCo's

exclusive right to use these registered marks in commerce, and negate any presumption created by Blendtec's asserted trademark registrations.

NINETEENTH DEFENSE

Defendant reserves the right to assert additional defenses or affirmative defenses as established by the facts of the case

PRAYER FOR RELIEF

WHEREFORE, MavorCo prays for judgment as follows:

- A. that Blendtec's Complaint be dismissed with prejudice;
- B. that Blendtec take nothing by reason of the Complaint and that judgment be entered in MavorCo's favor on all counts of the Complaint;
- C. that this case be found exceptional under 15 U.S.C. § 1117(a) and that MavorCo be awarded its attorneys' fees, reasonable costs, and expenses of litigation, as the prevailing party; and
- D. for such other relief as the Court may deem just and proper.

COUNTERCLAIMS

For its counterclaims against Plaintiff and Counterclaim Defendant Blendtec, Inc. ("Plaintiff" or "Blendtec"), Defendants and Counterclaimants MavorCo Holding, LLC, MavorCo IP, LLC, and MavorCo Operations, LLC (collectively "MavorCo") states as follows:

PARTIES

1. Upon information and belief, Blendtec is a Utah corporation with its principal place of business at 1206 South 1680 West, Orem, Utah, 84058.

2. Mavorco Holdings, LLC, is a Delaware limited liability company with its principal place of business at 16 W. 46th Street, Floor 11, New York, NY 10036.

3. Mavorco IP, LLC, is a Delaware limited liability company with its principal place of business at 16 W. 46th Street, Floor 11, New York, NY 10036.

4. Mavorco Operations, LLC, is a Delaware limited liability company with its principal place of business at 16 W. 46th Street, Floor 11, New York, NY 10036.

JURISDICTION AND VENUE

5. The Court has original jurisdiction over the subject matter of these counterclaims pursuant to 28 U.S.C. §§ 1331 and 1338(a).

6. On information and belief, Blendtec has its principal place of business in this District, and also has conducted many of the acts described in these Counterclaims in this District. Blendtec is subject to the Court's personal jurisdiction.

7. Venue is proper in this District under 28 U.S.C. § 1391(b)–(c).

RELEVANT FACTS

8. Blendtec has alleged that it is the owner of U.S. Trademark Registration No. 2,431,060 for the mark "BLENDTEC," registered in connection with blenders for use in the field of food and drink preparation.

9. The term “Blendtec” is composed of two generic or highly descriptive components: “blend,” which identifies the fundamental function of the goods, and “-tec” or “tech,” a common suffix applied to technology used in a particular category.

10. Upon information and belief, the primary significance of the term “blendtec” in the minds of the consuming public is as a reference to blender technology, the product, rather than as a reference to a specific source of origin. “Blendtec” merely identifies that the product being sold is “blend tech” just as “ad tech” is a generic term for advertising technology or “bio tech” is a generic term for biotechnology.

11. Upon information and belief, third parties have used “blendtec” and similar formulations generically to describe blenders that use or incorporate a certain level of technology.

12. Even Blendtec itself uses the term “Blendtec” to describe the blenders it sells as high-tech blenders or more generically, blenders “with technology.”

13. Blendtec’s product pages further show that Blendtec uses the term “Blendtec” to describe its blenders with technology. For example, the webpage for Blendtec’s Professional 800 model blender states that it consists of advanced “blending technology.”

14. The combination of the generic terms “blend” and “tec” yields no additional meaning to consumers capable of distinguishing the Plaintiff’s goods and services.

15. There also is widespread use of “blend-” formative names in the blender industry, reflecting that “blend” is generic in the blender industry. “Blend” in connection with blenders is a generic term that cannot be monopolized by any one blender manufacturer as shown by the widespread use of “blend” to identify blenders.

16. Blendtec has also alleged that it is the owner of U.S. Trademark Registration No. 4,050,765 for a swirl design mark (“Blendtec’s Swirl Mark”), registered in connection with electric food blenders for use in the field of food and drink preparation:



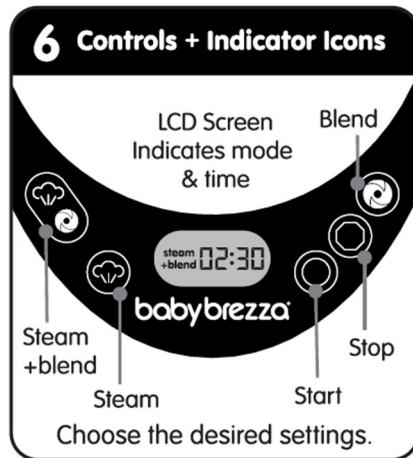
17. This swirl design is functional when used in connection with blenders because it is nothing more than a symbol that indicates the function of blending.

18. Third parties have used this swirl design and similar formulations generically to represent blenders or the function of blending.

19. For example, babybreeza uses the swirl design below to identify the button on the blender that is used to turn the blend function on and off. In other words, the swirl design means *to blend*.³


³ <https://babybreeza.com/products/one-step-baby-food-maker-deluxe;>
https://cdn.shopify.com/s/files/1/1465/2384/files/BRZ00141_FMD_IM_US_ENG_240418_color.pdf?v=1713471553

Home • One Step™ Baby Food Maker Deluxe: Steamer & Blender For Homemade Baby Food

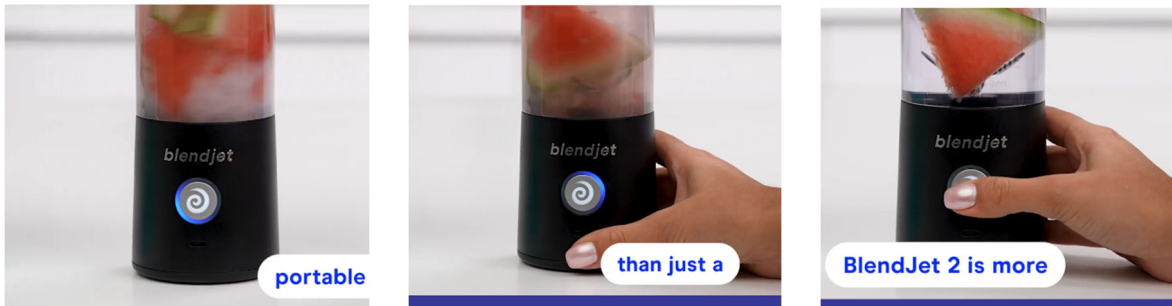


For a smoother consistency, press and hold  to blend more. Make sure bowl lid is locked onto bowl. Do not remove lid when blade is moving.

Blend Only

Make sure bowl lid is locked onto bowl. Press and hold  until desired consistency is achieved. Do not remove lid when blade is moving.

20. Similarly, the BlendJet blenders use a swirl design to indicate to consumers which button to press to cause the blender to blend, as shown below:⁴



21. The continued registration of the BLENDTEC mark interferes with the ability of MavorCo and others to use generic language necessary to accurately describe their own products, thereby impairing fair competition.

22. The continued registration of Blendtec's Swirl Design Mark interferes with the ability of MavorCo and others to use a functional swirl design to convey to consumers which button they should push to blend.

COUNT ONE
(Cancellation of Blendtec's BLENDTEC Registration, U.S. Reg. No. 2,431,060)

23. MavorCo incorporates and realleges the above paragraphs of its Counterclaims by reference.

24. The term Blendtec is a generic name for the goods described in the U.S. Registration No. 2,431,060, and the term therefore is not entitled to trademark protection.

25. MavorCo is likely to be damaged by continued registration of U.S. Registration No. 2,431,060 in that Blendtec has filed suit against Mavorco, relying on this registration, and has

⁴ <https://blendjet.com/products/best-of-blendjet-bundle?variant=41778841681986>

claimed that Mavorco's alleged use of "BlendJet" infringes Blendtec's rights in Blendtec. Mavorco has a valid and legal right to use its "BlendJet" trademark and is likely to be damaged by the continued registration of U.S. Registration No. 2,431,060 in that Blendtec is using that registration to try to impair MavorCo's right to use its own valid mark.

26. MavorCo will be damaged by the continued registration of U.S. Registration No. 2,431,060, and that registration should be cancelled pursuant to 15 U.S.C. §§ 1064, 1065, and 1119.

COUNT TWO
(Cancellation of Blendtec's Swirl Design Logo Registration, U.S. Reg. No. 4,050,765)

27. MavorCo incorporates and realleges the above paragraphs of its Counterclaims by reference.

28. The swirl design used by Blendtec is functional when used in connection with the goods described in the U.S. Registration No. 4,050,765, and the design therefore is not entitled to trademark protection.

29. Mavorco is likely to be damaged by continued registration of U.S. Registration No. 4,050,765 in that Blendtec has filed suit against Mavorco, relying on this registration, and has claimed that Mavorco's use of the swirl design infringes Blendtec's rights in its claimed Swirl Design Mark. Mavorco has a valid and legal right to use a swirl design in a functional manner.

30. MavorCo will be damaged by the continued registration of U.S. Registration No. 4,050,765, and that registration should be cancelled pursuant to 15 U.S.C. §§ 1064, 1065, and 1119.

PRAYER FOR RELIEF

WHEREFORE, MavorCo prays for judgment as follows:

- A. that this Court exercise its power under 15 U.S.C. § 1119, to order the Commissioner of Patents and Trademarks to cancel the BLENDTEC Registration (U.S. Registration No. 2,431,060) and Blendtec's Swirl Mark Registration (U.S. Registration No. 4,050,765);
- B. that MavorCo be awarded actual damages in an amount to be determined at trial;
- C. that this case be found exceptional under 15 U.S.C. § 1117(a) and that MavorCo be awarded its attorneys' fees, reasonable costs, and expenses of litigation, as the prevailing party; and
- D. for such other relief as the Court may deem just and proper.

Dated: April 9, 2025

Respectfully submitted,
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LLC; and MavorCo Operations, LLC

CERTIFICATE OF SERVICE

I hereby certify that on April 9, 2025, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send an electronic notification to counsel of record for all parties, including the following:

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